

Message

From: Tanimura, Erin [Tanimura.Erin@epa.gov]
Sent: 5/25/2021 5:07:58 PM
To: Gray, David [gray.david@epa.gov]
Subject: ACTION: Region 6 Weekly Update May 25
Attachments: RA Update draft 05-20-jm.docx; Unused 05-20.docx

Importance: High

David, I added the CCSJ appeal below. I also included an update on Tar Creek that was in unused content for consideration – R6 is moving forward with a plan to require advanced notification OSR determinations for all chat sales in Region 6 within the next few weeks; and the go-live date for the application has been extended from May to June 21 due to a system failure that caused loss of code/delays (will not impact OSR implementation schedule).

R6 Weekly Update May 25, 2021

Hot Topics

Ethylene Oxide Facilities, Texas and Louisiana

On May 20, Region 6 presented a general ethylene oxide educational workshop to over 100 attendees from local government, non-government organizations, and communities in Louisiana and Texas. In cooperation with the Louisiana Department on Environmental Quality (LDEQ) and the Texas Commission on Environmental Quality, Region 6 has completed conference calls with eight ethylene oxide-emitting facilities in Louisiana and Texas to obtain current plant process information to complete technical assessments associated with each facility. This information will support future public/community outreach efforts. Draft technical assessment reports without the risk information updates are expected by the end of May. Draft risk information updates are due by the end of June. Region 6 will participate in a briefing to update OIG on June 1.

Union Pacific Railroad Site, Houston, Texas

TCEQ drafted a Hazardous Industrial Waste Permit/Compliance Plan Renewal with Major Amendment for the Union Pacific Railroad Houston Wood Preserving Works site located near the Kashmere Gardens community in Houston, Texas. The amendment includes, among other things, the continued post-closure care and corrective action at the facility, the addition of solid waste management units and areas of concern subject to corrective action, updates to on-site and off-site plume management zones, and the addition of a Response Action Plan to address soil and groundwater contamination. TCEQ will hold a virtual public meeting on June 21, which will consist of an Informal Discussion Period and a Formal Comment Period. The end of the public comment period for submittal of written comments is the close of the public meeting.

Denka Performance Elastomer, LaPlace, Louisiana

On May 12, the Concerned Citizens of St. John, through the Tulane Environmental Law Clinic, filed an Emergency Request for Precautionary Measures to the Inter-American Commission on Human Rights to address chloroprene emissions from the Denka facility in LaPlace, Louisiana. The appeal asks the Commission to direct the United States government to establish an enforceable national emission or air quality standard for chloroprene, compel the facility to cease operations or reduce chloroprene emissions such that ambient chloroprene levels do not exceed 0.2 µg/m³ in the interim and 0.002 µg/m³ permanently, monitor ambient chloroprene concentrations in the community, relocate the Fifth Ward Elementary School away from the facility, and take other actions.

Stoller USA, Houston, Texas

On May 19, Region 6 filed an administrative complaint seeking a penalty in the amount of \$530,000 against Stoller USA, Inc. In the complaint, Region 6 alleges that from January 2015 to July 2017, Stoller sold and distributed unregistered pesticides. Specifically, Region 6 alleges that Stoller sold products that contained plant growth regulators and/or were marketed as plant growth regulators. Plant growth regulator products must be registered as pesticides under FIFRA, and Region 6 examined product label claims, scientific studies, and analytical product testing to determine that these products are intended for use as plant growth regulators. Prior to the filing of this complaint, Stoller had committed to removing impermissible pesticidal claims from its marketing material and to restructuring some of its manufacturing practices to avoid unintentional product contamination. The investigation into these products and the development of the enforcement action required highly technical scientific, policy, and legal analysis. Region 6 collaborated with several organizations within EPA, including the Office of Pesticide Programs, OECA, and OGC. Our partners at the Texas Department of Agriculture assisted in collecting product samples.

City of Fort Smith, Arkansas

On May 17, the City of Fort Smith filed a Notice of Appeal to the Eighth Circuit Court of Appeals regarding the District Court's March 19 and April 30 decisions on the dispute over injunctive relief requirements set forth in the parties' 2015 Consent Decree. The Court had agreed with the United States' interpretation that the CD requires certain pipe/manhole defects to be remediated by repair, rehabilitation, or replacement, and not simply monitored as part of a Capacity, Management, Operations and Maintenance program.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

United Parcel Service and United Parcel Service Freight (UPS), Region 6 States

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

Clean Water Act Section 404 Program Assumption, Arkansas

The Arkansas Department of Energy and Environment, Division of Environmental Quality is seeking to have delegation of the Section 404 Clean Water Act program to regulate the discharge of dredged or fill material into waters of the United States. The Arkansas General Assembly passed Act 285 (formerly House Bill 1261) and transmitted it to the Governor for signature on March 8. Since the Arkansas Regular Session ended on April 28, it appears that the Governor has taken no action and the bill may have become a law without his signature. In

Arkansas, bills passed during the Regular Session are effective 90-days after the final, official day of session, unless otherwise specified.

Ozone Designation, El Paso County, Texas

On May 25, Region 6 signed a “120-day letter” to Governor Abbott regarding the proposed plan to designate El Paso as non-attainment for ozone. The 120-day letter will provide the Governor and the Texas Commission on Environmental Quality approximately 60-days to review the Region’s technical support document and provide comments. Region 6 plans to send a letter to the Ysleta del Sur Pueblo informing the Pueblo of the intended designation decision for El Paso County and inviting government-to-government consultation.

Tar Creek Superfund Site, Ottawa County, Oklahoma

Region 6 is continuing to develop a Tar Creek application and database to track compliance with EPA’s Chat Rule and OSR. The original target date has been extended to December 2021. The Go Live date for the test application has been extended to June 21, due to a system failure which caused significant loss of code and delays in the security scans required for the Authorization to Operate/Authorization to Use prior to production. Region 6 plans to require advanced notification OSR determinations for all chat sales in Region 6 within the next few weeks.

National Energy Advisory Team

On May 24, Region 6 hosted the National Energy Advisory Team biweekly meeting which provides an opportunity for EPA Headquarters and Regional team members to share insights and discuss projects and related energy topics. Topics included Executive Order 13990 and the CAA 111 Oil & Gas Performance Standards (OOOOa), as well as Interstate Oil & Gas Compact Commission (IOGCC) 2021 Annual Business Meeting Resolutions.

Major Decisions and Events

Visibility Transport SIP, Oklahoma

Region 6 has prepared a Federal Register notice proposing approval of the interstate visibility transport portion of the Oklahoma infrastructure SIP for the 2015 ozone NAAQS and disapproval the interstate visibility transport portions for the 2010 SO₂ and 2012 PM_{2.5} NAAQS.

Transwestern Pipeline Company, LLC, Laguna Pueblo, New Mexico

This week, Region 6 is preparing to issue the final Title V Permit Renewal. No comments were received during the public comment period on the draft permit. Transwestern Pipeline Company LLC, a division of Energy Transfer, has requested a renewal to the existing Title V operating Part 71 permit, which expired in February 2021. The facility is a natural gas compression and transmission facility which has been in operation since 1967 and has had no physical nor operational changes to the compressor station.

RCRA Clusters XXIV through XXVI, Arkansas

Region 6 intends to propose approval of authorization for RCRA Clusters XXIV through XXVI to the State of Arkansas. The purpose of this proposed rule is to authorize the State for eleven additional federal hazardous waste rules contained in the State of Arkansas program revision applications. The proposal will result in a 30-day comment period following publication in the Federal Register. In addition, Region 6 plans to sign a revised Memorandum of Agreement (MOA) concurrent with signature on the proposed rule. The state submitted the revised MOA with its authorization package to reflect changes as a result of a state agency reorganization. The Arkansas Division of Environmental Quality is now the agency responsible for administering all solid and hazardous waste regulations for the State of Arkansas.

May 28 Brownfields Assessment Grant Announcement, Oklahoma City (virtual)